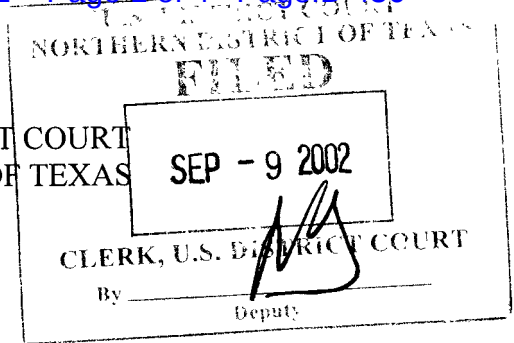


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



JAMAL ELHAJ-CHEHADE,
Plaintiff,

v.

EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES,
Defendant.

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CIVIL ACTION NO.

3:01-CV-01301-L

**RESPONSE TO "PLAINTIFF'S MOTION FOR VACATE THE
ORDERS/JUDGMENT (RELIEF) PLAINTIFF'S MOTION FOR THE
REMOVAL OF JUDGES" AND DEFENDANT'S MOTION FOR SANCTIONS**

COMES NOW, Educational Commission for Foreign Medical Graduates ("ECFMG"), who files this Response to "Plaintiff's Motion for Vacate the Orders/Judgment (relief) Plaintiff's Motion for the Removal of Judges" and Defendant's Motion for Sanctions and in support thereof would respectfully show the Court the following:

RESPONSE TO PLAINTIFF'S MOTION

1. On or about August 27, 2002, this Court granted ECFMG's Motion for Summary Judgment and denied ECFMG's Motion to Sanction Plaintiff for being a Vexatious Litigant. The Court also denied all further relief and denied all outstanding motions by any party.

2. On or about August 30, 2002, Jamal Elhaj-Chehade ("Chehade"), filed "Plaintiff's Response to the Judges Orders and Judgment Plaintiff's Motion for Vacate the Orders/Judgment (Relief) Plaintiff's Motion for the Removal of Judges".

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3. ECFMG believes that Plaintiff's motions are wholly lacking in supporting evidence and supporting legal authority. Therefore, ECFMG believes that Plaintiff's motions are without merit.

4. ECFMG believes that an in-depth briefing in response to Plaintiff's motions will be of little benefit to the Court. However, in an abundance of caution, ECFMG hereby formally notifies the Court of its opposition to Plaintiff's motions in order to avoid any perception that ECFMG is unopposed to Chehade's motions.

MOTION FOR SANCTIONS

5. On or about June 21, 2002, ECFMG filed a Motion for Sanctions against Chehade. That Motion for Sanctions, as well as the Brief and Appendix in support thereof are incorporated herein by reference. That Motion for Sanctions was based on Chehade's long history of filing frivolous motions, his disrespect and disregard of court orders, and his history of re-litigating issues that have been fully and finally determined in previous cases.

Chehade's most recent motion makes the following allegations all of which are completely unsupported by even a scintilla of evidence:

- a. The judges in this case rely on "fraud and malice". (Plaintiff's Motion, Para. 5)
- b. The orders in this case "were deliberately done [by the judges] to increase the costs of litigation and allow room for other judges to be bribed." (Plaintiff's Motion, Para. 9)
- c. "The judges orders/judgment are IRRESPONSIBLE and desperate acts to test the resolves and determination of the Plaintiff." (Plaintiff's Motion, Para. 12)
- d. Plaintiff claims that ECFMG "will get burned in hell" and warns that those "who play with fire will get burned." (Plaintiff's Motion, Para. 12)

- e. That this court is a “charade, scam, and hoax to make opportunities for judges and lawyers to rip off people.” (Plaintiff’s Motion, Para. 13)

Cehade further makes the following warnings:

- I. The parties are not to “push the envelope too far, because the matter is extremely volatile and it will burn everyone.” Plaintiff also warns about the possibility of a “Columbian phenomenon” occurring. (Plaintiff’s Motion, Para. 20 and Para. 22)
- II. “The judges and lawyers must . . . watch their actions carefully because one day they will be the victims too.” (Plaintiff’s Motion, Para. 27)
- III. Cehade states he “will wipe his donkey with any orders/judgment that violates the law and constitution not conducted as requested.” (Plaintiff’s Motion, Para. 27)

Additionally, Plaintiff’s Motion states that he does not intend to appeal this matter but will make it a new cause of action. (Plaintiff’s Motion, Para. 6 and Para. 26)

As set forth in detail in ECFMG’s June 21, 2002, Motion for Sanctions, Cehade has been repeatedly warned about making these unfounded allegations. Moreover, this suit was a re-litigation of another suit filed by Cehade against ECFMG styled: *Jamal Elhaj-Cehade v. Educational Commission for Foreign Medical Graduates*, Cause No. 99-CV-0680-D. Now, Cehade threatens to file a *third* suit on the same issues.

ECFMG respectfully requests this Court to sanction Cehade and prevent him from filing further suits against ECFMG without prior approval from the Chief Judge of the United States District Court for the Northern District of Texas.

Respectfully submitted,

HENSLEE, FOWLER, HEPWORTH
& SCHWARTZ, P.L.L.C.

By: 

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ATTORNEYS FOR DEFENDANT
EDUCATIONAL COMMISSION FOR
FOREIGN MEDICAL GRADUATES

CERTIFICATE OF SERVICE

The undersigned certifies that on this 9TH day of September 2002, a true and correct copy of the above and foregoing document was served upon the following counsel of record in accordance with the Texas Rules of Civil Procedure.

Jamal Elhaj-Chehade
5414 Cedar Springs, #806
Dallas, TX 75235

Certified Mail, Return Receipt: 7002 0510 0004 4353


Mark C. Roberts II

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